



1-28-02

2877

PATENT  
Attorney Docket No. 98-027  
Express Mail No. EL894817676US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Verne C. Hornbeck and )  
Derryl D.J. Allman )  
Serial No. 09/217,183 ) Group Art Unit: 2877  
Filed: December 21, 1998 ) Examiner: L. G. Lauchman  
For: ON-CHIP GRADED INDEX OF )  
REFRACTION OPTICAL WAVEGUIDE )  
AND DAMASCENE METHOD OF )  
FABRICATING THE SAME )

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

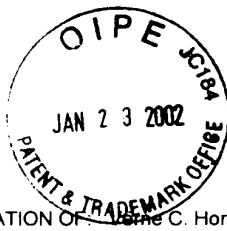
The undersigned hereby certifies that the attached Amendment Transmittal Letter; Amendment and Response to Second Office Action; Certificate of Mailing by Express Mail; and Return Card, relating to the above application, were deposited as "Express Mail," Mailing Label No. EL894817676US, with the United States Postal Service, addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 23<sup>rd</sup> day of January, 2002.

1/23/02  
Date

1/23/02  
Date

*John R. Ley*  
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*[Signature]*  
\_\_\_\_\_  
John R. Ley  
Registration No. 27,453  
ATTORNEY FOR APPLICANT

JOHN R. LEY, LLC  
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Facsimile: (303) 740-9042



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AMENDMENT TRANSMITTAL LETTER

IN RE THE APPLICATION OF: Carne C. Hornbeck and Derryl D.J. Allman

SERIAL NO: 09/217,183

DATE FILED: December 21, 1998

FOR :On-Chip Graded Index of Refraction Optical Waveguide and Damascene Method of Fabricating the Same

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

TRANSMITTED HERewith IS AN AMENDMENT IN THE ABOVE-IDENTIFIED APPLICATION

☒ Amendment and Response to Second Office Action

FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

	(COL. 1) CLAIMS REMAINING AFTER AMENDMENT	(COL. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(COL. 3) PRESENT EXTRA	SMALL ENTITY			LARGE ENTITY	
				RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL:	15	- 29	** 0	X \$9 =	\$0.00	OR	X \$18 =	\$0.00
INDEP:	2*	- 3	*** 0	X \$40 =	\$0.00	OR	X \$80 =	\$0.00
____ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS				+ \$130 =		OR	+ \$260 =	
ADDITIONAL FEES				TOTAL:	\$0.00	OR	TOTAL:	\$0.00

\*IF THE ENTRY IN COL. 1 IS LESS THAN THE ENTRY IN COL. 2, WRITE "0" IN COL. 3.

\*\*IF THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" IN THIS SPACE IS LESS THAN 20, WRITE "20" IN THIS SPACE.

\*\*\*IF THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" IN THIS SPACE IS LESS THAN 3, WRITE "3" IN THIS SPACE.

THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" (TOTAL OR INDEPENDENT) IS THE HIGHEST NUMBER FOUND FROM THE EQUIVALENT BOX IN COL. 1 OF A PRIOR AMENDMENT OR THE NUMBER OF CLAIMS ORIGINALLY FILED.

☐ PLEASE CHARGE DEPOSIT ACCOUNT NO. 12-2252 IN THE AMOUNT OF \$\_\_\_\_\_ FOR THE ADDITIONAL FEES. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

☒ THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE PAYMENT OF THE FOLLOWING FEES ASSOCIATED WITH THIS COMMUNICATION OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 12-2252. **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

☒ ANY FILING FEES UNDER 37 CFR 1.16 FOR THE PRESENTATION OF EXTRA CLAIMS.

☒ ANY PATENT APPLICATION PROCESSING FEES UNDER 37 CFR 1.17.

Dated at Greenwood Village, Colorado, this 23<sup>rd</sup> day of January, 2002.

Respectfully submitted,

John R. Ley  
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ATTORNEY FOR APPLICANT

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AMENDMENT AND RESPONSE TO SECOND OFFICE ACTION

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the second Office Action mailed October 23, 2001, please amend the application in the manner described below.

In the Claims:

Amend claims 1 and 5 into the clean form appearing in Part 1 of this Amendment and Response.

The pending claims with markings and indications to show changes over the previous form of those same pending claims is set forth in Part 2 of this Amendment and Response.

Certain Remarks concerning the status of this application and the office action of October 23, 2001 are set forth in Part 3 of this Amendment and Response.